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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hassan Hagirahim

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11/03/2004

Docket Administrator (Room 3C-512)

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,975

Applicant(s)

HAGIRAHIM ET AL.

Examiner

Andrew C Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "Interface 1 of router R1" as disclosed in page 4, lines 12 – 13 for Fig.2; " a single IRQ query to the gateway 56" as disclosed in page 4, line 30 for Fig. 5.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "R₂, R₃, R₄, 4, EP1 A, EP2 B and EP3" as indicated in Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the TOS (type of service) and socket number range as claimed in Claims 7 and 21, respectively; and non-standard H.245 message claimed in Claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

- Page 3, line 13, the reference term "H.3232" is a typo. It should be corrected as "H.323".
- Page 3, line 22, the reference term "H.3223" is a typo. It should be corrected as "H.323".
- Page 9, lines 12 – 13, "Interface 1 of router R1 in the network 200" as disclosed in the specification, but it is not indicated clearly in the Fig. 2.
- Referring to Fig. 2, the reference characters or legends "R2, R3, R4, 4, EP1 A, EP2 B and EP3" are indicated in the Figure. They are not mentioned and described in the specification.
- Page 4, line 30, the Office would request the clarification from the Applicant for the reference term "RTPCP". Does the applicant mean "RTP/RTCP" being used in the real-time voice packets after the end-to-end talkpath has been established?
- Page 5, line 4, the Office would request the clarification from the Applicant for the means of "non-Standard H.245 message format. Further, it is known that H.245 protocol is de facto standard for media control and

transport. H.245 handles end-to-end control messages between H.323 entities. H.245 procedures establish logical channels for transmission of audio, video, data, and control channel information. It is also used to negotiate channel usage and capabilities of flow control and capabilities exchange messages. (Comment from the Office — The IRR and IRQ messages are more appropriate referred to H.225 RAS signaling for Status Information. It is noted that the gatekeeper can use the RAS channel to obtain status information from endpoints. This can be use to monitor whether the endpoint is online or off-line. IRQ stand for Information ReQuest that is sent from the GateKeeper (GK) to endpoint requesting status. IRR stands for Information Request Response that is sent from the endpoint to GateKeeper in response to an IRQ. This message is also sent from endpoint to GateKeeper if the GateKeeper requests periodic status updates. The IRR message is also used by GateWay (GW) to inform GK about the active calls.)

- Page 5, lines 12 – 14, the sentence “ router 1 and router 3 couple to a first H.323 endpoint 22 (e.g., an IP phone or PC phone) and router 2 and router 3 each couple to a second H.323 endpoint 24.” Is incorrect according to the Fig. 3 disclosed.
- Page 5, line 30, the reference element “ a single IRQ query to the gateway 56” is disclosed in specification, but it is not shown and indicated in Fig.5.

Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "construct a new message by using the non-standard H.245 message format" on page 5, lines 4 – 5.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Thornton et al. (U.S. Patent No. 6363065 B1).

Regarding Claims 1, 9 and 16, Thornton et al. discloses the limitation of determining current bandwidth allocation of packetized communications traffic of a route (Fig. 1, elements 18 and 48; Fig. 4A, elements 430 and 450; column 17, lines 54 – 59; column 18, lines 30 – 35), comprising the steps of: periodically querying endpoints based on identification from a corresponding router connection table (column 19, lines 6

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– 12); obtaining a current connection status and bandwidth utilization of said endpoints based on a response to said querying (column 19, lines 6 – 12; column 31, lines 41 – 46); calculating current bandwidth allocation for a specific type communications service handled by said router(column 31, lines 46 – 50).

Regarding Claims 2 and 23, Thornton et al. discloses the limitation of claimed wherein said method is accomplished on a per interface basis for each router (column 12, lines 5 – 9; lines 14 –15).

Regarding Claim 3, Thornton et al. discloses the limitation of claimed further including the step of admitting additional communications traffic connections if bandwidth for said specific type communications service is available (column 18, lines 65 – 67).

Regarding Claims 4,10 and 17, Thornton et al. discloses the limitation of claimed including dropping packets of any new call if bandwidth is not available (column 18, line 67; column 19, lines 1 – 4).

Regarding Claims 5, 11 and 18, Thornton et al. discloses the limitation of claimed wherein the router obtaining the Call_Ref value of a new connection that cannot be handled and message is sent to the corresponding endpoint to terminate the call (column 41, lines 49 – 51).

Regarding Claims 6, 13 and 20, Thornton et al. discloses the limitation of claimed wherein said querying includes sending of a H.323 IRQ and a response to said querying includes receiving an IRR message (column 18, lines 39 – 47; column 33, Table 1-continued).

Regarding Claims 7, 14 and 21, Thornton et al. discloses the limitation of claimed wherein said step of admitting additional communications traffic includes determining a type of connection to be made by identifying addresses, TOS (type of service) and respective socket number range (column 39, lines 52 – 55; lines 58 – 62).

Regarding Claim 8, Thornton et al. discloses the limitation of claimed wherein said querying process is periodically reset (column 60, lines 36 – 38; lines 56 – 62).

Regarding Claims 12 and 19, Thornton et al. discloses the limitation of claimed wherein said message is a non-standard H.245 message (Fig. 12, column 43, lines 16 – 18).

Regarding Claims 15 and 22, Thornton et al. discloses the limitation of claimed wherein said network utilizing Internet Protocol (column 2, lines 1 – 3).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am – 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL
28 October 2004


Ajit Patel
Primary Examiner